

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 6 and 14 have been amended. Claims 2-5, 7-13, 15-18 and 20-22 were previously cancelled without prejudice. New claims 23-35 have been added. Therefore, claims 1, 6, 14 and 23-35 are presented for examination. The following remarks are in response to the final Office Action mailed October 27, 2005.

### 35 U.S.C. § 112 Rejection

Claims 20-22 are rejected under 35 U.S.C. § 112, first paragraph. Claims 20-23 have been cancelled to obviate this rejection. Accordingly, Applicants respectfully request that the rejection be withdrawn.

### 35 U.S.C. § 112 Rejection

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph. Claim 7 has been cancelled to obviate this rejection. Accordingly, Applicants respectfully request that the rejection be withdrawn.

### 35 U.S.C. § 102 Rejection

Claims 1-3, 6-7 and 14-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dabral et al., U.S. Patent No. 6,601,196 ("Dabral").

In accordance with 35 U.S.C. § 103(c), *"subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."* (35 U.S.C. § 103(c); emphasis provided). This subsection *"applies to all . . . applications . . .*

including continuing applications filed under 37 CFR 1.53(b), continued prosecution applications filed under 1.53(d), and reissues.” (M.P.E.P. §706.02(I)(1); emphasis provided).

In support of the required common ownership under 35 U.S.C. §103(c), it is hereby averred that the current application (Application Serial No. 09/752,880) and Dabral (U.S. Patent No. 6,601,196) were, at the time the invention of the current application was made, owned by, or subject to an obligation of assignment, to the same organization. Applicants respectfully submit that such statement alone is sufficient evidence to disqualify Dabral under 35 U.S.C. §103(c). See M.P.E.P. §706.02(I)(2)(II).

The current application qualifies as an application that will serve to exclude commonly owned 35 U.S.C. §102(e) prior art. Applicants respectfully submit that Dabral has been removed as a reference under 35 U.S.C. §102(e) against the claims of the current application. Accordingly, Applicants respectfully request the rejection be withdrawn.

### **35 U.S.C. § 103 Rejections**

Claims 3 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over La Joie et al., U.S. Patent No. 5,933,594 (“La Joie”), Tanaka et al., U.S. Patent No. 5,933,594 (“Tanaka”) and in further view of Nakamura et al. U.S. Patent No. 6,496,583 (“Nakamura”).

Claims 1-2, 6-7, 14-15 and 19-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over La Joie in view of Tanaka.

Claims 1, 6, 14 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gonzales et al. U.S. Patent No. 5,488,688 (“Gonzales”).

Claims 1, 6, 14 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamamoto, U.S. Patent No. 5,903,719 (“Yamamoto”) and Tanaka.

Claims 1, 6, 14 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Assouad, et al., U.S. Patent No. 6,119,254 (“Assouad”) and Tanaka.

Claim 1, as amended, in pertinent part, recites that “the trigger to facilitate one or more of un-intrusively observing, reading, and echoing of one or more of a plurality of signals transmitted on the SBD memory bus [and that] an observability port coupled with the buffer, the observability port to receive the plurality of echoed signals, wherein the observability port includes a logic observability port.” (emphasis provided). The cited references of La Joie, Tanaka, Gonzales, Yamamoto, and Assouad, neither individually nor when combined in any combination, teach or reasonably suggest “the trigger to facilitate one or more of un-intrusively observing, reading, and echoing of one or more of a plurality of signals transmitted on the SBD memory bus [and that] an observability port coupled with the buffer, the observability port to receive the echoed signals, wherein the observability port comprises a logic observability port” as recited by claim 1. (emphasis provided). Accordingly, for at least the reasons set forth above, Applicants respectfully request the withdrawal of the rejection of claim 1.

Claims 6 and 14 contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 6 and 14.

### **New Claims**

New claims 23-31 depend from one of claims 1, 6 and 14 and thus include all the limitations of the base claims. Accordingly, Applicants respectfully submit that claims 23-31 are patentable over the cited references.

New claim 32 contains limitations similar to those of claim 1. Accordingly, Applicants respectfully submit that claim 32 and its dependent claims are patentable over the cited references.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Aslam A. Jaffery  
Reg. No. 51,841

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1030  
(303) 740-1980